

Town of Amherst
Zoning Board of Appeals - Special Permit
DECISION

Applicant and Owner: Grace Episcopal Church
Amherst, MA 01002

Date Application filed with the Town Clerk: March 2, 2006

Nature of request: Petitioner seeks a Special Permit, under Section 9.22 of the Zoning Bylaw, to replace the existing link and cloister between the church building, the rectory, the parish hall and Parke House on Boltwood Avenue with a new link and cloister, and new site improvements, which will increase building and lot coverage, at 14 Boltwood Avenue.

Location of property: 14 Boltwood Avenue
Map 14A, Parcel 264, R-G Zone

Legal notice: Published in the Daily Hampshire Gazette on March 22 and March 29, 2006, and sent to abutters on March 22, 2006.

Board members: Tom Simpson, Ted Rising and Jane Ashby

Submissions:

The applicants submitted the following documents:

- A Management Plan – Revised March 7, 2006
- Catalogue information about proposed lighting
- Plans as follows:
 - Survey Plan prepared by Heritage Surveys, revised April 28, 1999
 - Sheet L1.1 prepared by David Berarducci Landscape Architecture, dated February 28, 2006, showing proposed site improvements
 - Sheets A1.1, A1.2 and A2.1 prepared by James Cullion Architects, dated March 1, 2006, showing proposed improvements to the “Undercroft Level” and the “Sanctuary Level” and proposed elevations
- Color photographs and information about the proposed Bowhall Red Maple
- A Memorandum from David Berarducci Landscape Architecture to James Cullion Architects dated March 27, 2006, revising the lot and building coverage information contained on the plans.

Town staff submitted the following documents:

- Memorandum from Planning Department dated March 30, 2006, commenting on the application;
- Email from Jonathan Tucker, dated March 22, 2006, setting forth the Design Review Board’s recommendations on the application.

Site Visit: April 4, 2006

At the site visit the Board was met by The Reverend Robert Hirschfeld. The Board observed the following:

- The location of the church and rectory across from the Town Common in the center of Amherst;
- The front entry area;
- The existing link between the rectory and the church that is to be demolished;
- The “garth” or garden area behind the link, surrounded by church buildings;
- The interior of the sanctuary;
- The interior of the undercroft level, located below the sanctuary;
- The existing cloister walk connecting the undercroft with the parish hall and Parke House;
- The approximate location of the old sanitary sewer line;
- The existing entries from Spring Street into the buildings;
- The location of the columbarium;
- The existing utility poles and lines along Spring Street; some of these lines run through the site;
- The location of the proposed elevator.

Public Hearing: April 6, 2006.

At the public hearing James Cullion, of James Cullion Architects, presented the petition. In addition to Mr. Cullion, other people attending the hearing included David Berarducci, Landscape Architect, Chris Freitag, Junior Warden of Grace Church, The Reverend Robert Hirschfeld, Rector of Grace Church, and other members of the consulting team. Mr. Cullion presented the proposed plans and made the following comments:

- The church wishes to remove and replace the existing link between the rectory and the church and the existing cloister between the undercroft and the parish hall;
- The link is a primary entryway to the church and the rectory; coffee hour occurs here and processions begin here;
- There will be two universally-accessible bathrooms on the first floor of the link along with a ramped connection to the rectory;
- The new link, to be known as Grace Hall, will be on the same level as the sanctuary;
- Circulation will be improved in the sanctuary because some of the pews will be removed, or relocated, and a new stair will be added at the north side of the altar; in addition, locations for wheelchair seating will be included;
- The basement, or undercroft, will have two new universally-accessible bathrooms;
- There will be a door exiting to the garth from the east side of the new link;
- The undercroft will be renovated to include classrooms, meeting rooms and a chapel;
- The new cloister will be enclosed with glass walls;
- The proposed exterior finish material for the link and new cloister structure is gray brick;
- The roof will be synthetic slate; pre-cast “stone” (concrete) will be used for the gothic lintels;

- On the garth side of the link there will be an elevator tower at the corner where the proposed link meets the existing rectory;
- The main space in the link at the sanctuary level will have a south wall that will include the old door of the church and one of the existing windows;
- The entryway will be a small vestibule, partially protruding from the face of the link.

David Berarducci, of David Berarducci Landscape Architecture, presented information about the proposed site improvements as follows:

- Outside, in the front of the link there will be a large gathering space; it will be paved with irregularly-shaped concrete pavers;
- The gathering space will be accessible via a path that will begin in front of the rectory; the grade of the path will be less than 5% and will not have handrails;
- The path will be laid out in a gentle rounded form;
- Approaching from the south there will be a walk with 6 stairs coming up to the gathering space;
- Along the walk and stairs there will be bollard lighting; there will be no light trespass onto adjacent streets or properties;
- Along Spring Street there will be another small paved area outside of the main entry to the undercroft; there will be two bollard lights at this entry as well;
- Moving east there will be another universally-accessible walk to the side door of the parish hall with a link to the existing walkway to Parke House; there will be bollard lights to illuminate the walk to the parish hall;
- The bollard lights will be about 2 feet tall;
- The plants in front of the church will be mostly flat to the ground and will include ground cover such as Vinca minor and bulbs;
- The front area immediately adjacent to the building will be wrapped in low shrubs such as a spreading yew (*Taxus baccata* 'Repandens');
- The garth will be lowered to allow easy access from the lower level of the new link as well as from the undercroft;
- Eventually the windows on the west face of the parish hall may be replaced with doors to allow access directly to the garth;
- Grace Church wishes that the church and all of its buildings and grounds will be open and welcoming and that the spaces will be flexible as to use;
- A civil engineer is working on drainage and grading issues; a drain inlet will be added to the west end of the garth; the drainage system will connect to the drainage outfall in the gutter along Spring Street;
- The stones from the existing stone wall in the garth will be salvaged and placed flush in the ground to form an edge around the garth; this edging will act as protection for the ground, preventing erosion by stormwater falling from the roof;
- The underbrush along the hillside north of the garth will be cleaned out; the existing trees on the hillside will remain;
- A row of fastigate (narrow and upright) Red Maples (*Acer rubrum* 'Bowhall') is proposed to be planted along the north edge of the garth, in line with the corner of the rectory extension; these trees will be planted at 12 feet on center and will echo the row of columns on the south side of the garth, along the cloister; these Red Maples have a reddish-orange fall foliage color;
- Benches are proposed to be placed between the trees;

- There will be a small paved gathering space at the entrance to the garth from the north side of the cloister and undercroft; there will also be a small paved gathering space at the entry to the garth from the lower level on the east side of the link;
- At the crossing of the lines exiting from these two points of entry there will be a focal point created in the garth; it may be a fountain or a sculpture.

Mr. Cullion noted that there will be light fixtures installed in the soffit along the cloister shining down to light the columns; there will also be lights installed at the base of the Red Maples to light up their trunks, mirroring the lighting of the cloister columns.

The Board asked about the existing retaining wall. Mr. Berarducci showed the location of the retaining wall, which is on the town's property, north of the garth. He noted that the proposed site improvements will include regrading the slope along the north side of the garth to smooth its surface. The Board noted that the town's retaining wall may need to be rebuilt at some point, but that this would be the town's responsibility. However, there may be a need for the town to have access through the garth to do this rebuilding.

Mr. Simpson asked about the irregular concrete pavers that are proposed for the outdoor gathering spaces. Mr. Berarducci stated that the proposed pavers have the look of flagstones, in that they are irregularly-shaped, and that they form a smooth, slightly-textured surface that is "ADA-compliant" when installed, meaning that the surface is smooth enough to be accessible for people with mobility impairments.

Mr. Simpson asked about stormwater management. Mr. Berarducci showed the locations of the two existing drain inlets in the garth and described how the new drainage system will work. Mr. Simpson noted that the new system will exit the church property at the curb line and that, while this will not improve the drainage situation in the street, it will not exacerbate it either. There is currently no underground drainage system in Spring Street in the immediate vicinity of the church property to which the church drain lines can be connected.

Mr. Simpson asked about the up-lights proposed for the trees, noting that the Board generally does not like lighting that aims skyward. There was discussion about this topic, including a suggestion that the maple trees be replaced with evergreens, which would block the light from entering adjacent properties. The Board noted that the abutter on the north side was the Town Hall and its associated parking lot, and that the up-lights would not disturb users of the Town Hall property. Mr. Berarducci reiterated that the up-lit trunks would symbolize columns and that the seasonal effect of the maples foliage would be more interesting than evergreen foliage. Mr. Cullion added that the soffit lights along the cloister will shine down.

Mr. Rising questioned whether there should be stairs going up to the front gathering space from the south side (i.e., from Spring Street) or whether there could be a ramp instead. He expressed strong concern over the distance that people with disabilities would have to travel from their parking spaces in the Spring Street parking lot and spaces along Spring Street to reach the front door of the new link. He contrasted this distance with the shorter distance that would be traveled by able-bodied people. He noted that most people come from the direction of the corner of Spring Street and Boltwood Avenue.

Mr. Cullion pointed out that stairs were necessary in this location because of the grade change, however a gentle walk will be provided from the north side, near the rectory, and the church will be petitioning the town to add a handicapped parking space in front of the rectory at the beginning of this gentle walk. Mr. Rising noted that there are three existing handicapped parking spaces in the vicinity, at the end of Spring Street, in the Spring Street parking lot and in the Town Hall parking lot.

Mr. Rising suggested that the bollard lights along the path from the parish hall to Spring Street be extended all the way to Spring Street. Mr. Berarducci agreed to consider this suggestion.

Mr. Rising asked if the church had any plans to clean up the area behind or north of the parish hall. He suggested cleaning it up and installing ground cover.

The Board discussed the size of the new link. Mr. Cullion noted that the new link will be approximately twice as big as the existing link, but that the use will not become more intense. The larger link will be more suitable for entering and exiting the church and accommodating other activities. The larger cloister will improve circulation to the parish hall and undercroft.

Mr. Simpson noted that an elevator tower is being added to the rear of the new link, improving accessibility to the buildings. Mr. Cullion showed the location of the ramp along the new cloister that will improve access from the undercroft to the parish hall.

Ms. Ashby asked Mr. Cullion to trace the accessible pathways throughout the church and grounds. Mr. Cullion showed how a person with mobility impairments would navigate throughout the buildings and grounds.

The Board and Mr. Cullion discussed the location of seating in the sanctuary for people with mobility impairments as well as the location of accessible exits.

Mr. Rising noted that the new entryways should be at least three feet wide to accommodate wheelchairs.

Ms. Ashby inquired about the proposed roof level of the link. There was a lengthy discussion about the proposed height and configuration of the roof on the new link, with concern expressed about how this roof would meet the roof of the existing rectory. Ms. Ashby noted that the roof of the link was different on the plans submitted with the application than it was on the illustrative plans shown at the hearing. Mr. Cullion stated that the illustrative plans reflected the most current design. He and the Board discussed the reasons why the roof had been designed the way it was, including the need to maintain the lofty feeling of the interior space and the need to preserve the window on the church wall. Ms. Ashby stated that she preferred the roofs of the three buildings to retain their distinctiveness in terms of height, as this distinctiveness currently contributes to the church's appearance when viewed from the Common.

The Reverend Rob Hirshfeld spoke about the use of the new link or "hall". Currently the existing link is very constricted and not conducive to a graceful coffee hour. Elderly parishioners and young children bump into one another causing a "high risk" coffee hour. The larger space, to be called Grace Hall, will be more useful for church functions.

Mark Snow, Assistant Building Commissioner, asked about the mixed uses proposed for the buildings, specifically whether the nursery proposed for the undercroft would be for church use only. Reverend Hirshfeld stated that there are no plans for a pre-school or daycare, only church use in the nursery. He further noted that the church is open to use in the evenings by groups such as "12 Step" groups, but the church is not planning to rent its space to any separate agencies. He added that there are evening meetings throughout all of the church buildings.

Mr. Snow asked about the multiple kitchens planned for the church buildings. Reverend Hirshfeld stated that the main kitchen is in the parish hall and is used for large dinners. It was recently upgraded and is inspected periodically by the Health Department. The church holds potluck suppers in the parish hall. The kitchenette in the undercroft will be used for coffee, tea and Sunday school snacks. The kitchen on the sanctuary level will also be a small kitchen that will be used for coffee, tea and smaller functions held in Grace Hall.

Mr. Cullion stated that the sanitary sewer connection will be replaced and that the new line will connect with the existing sanitary line under Spring Street. It will tie in where the existing line ties in. The ownership of the line is not known, but the town cleans and maintains it.

Ms. Ashby asked about the window proposed for the front of Grace Hall and noted that it was shown in a different location on the plans submitted with the application than it was on the illustrative plans shown at the hearing. There was a discussion about the window location. Mr. Cullion noted that the Design Review Board had also discussed the location and design of this window and had made a recommendation that the architect consider a different configuration. Mr. Cullion preferred to leave the window as it was designed. However the window may be lost due to budget constraints.

Mr. Simpson asked about the color of the materials to be used on the exterior of the link (Grace Hall). Mr. Cullion stated that the color of the link will match the church as closely as possible.

Mr. Simpson asked about the utility lines and whether they will be buried. Mr. Cullion stated that the church will work with the town if it decides to bury the utility lines. The poles currently carry town data and cable television lines as well as an electrical line that feeds a light in the Town Hall parking lot.

Chris Freitag stated that it was the church's intention to put the utilities underground and that they had already spoken with representatives of the town to begin to coordinate this effort.

Mr. Simpson asked about the size of the new structures and why the increase in lot coverage was not very great considering that Grace Hall and the cloister will be larger than the existing structures. Mr. Simpson referred to the Planning Department Memorandum dated March 30, 2006, which contains information about building and lot coverage.

Maximum allowed building coverage is 25%. Existing building coverage is approximately 34.4%, making the site and building non-conforming as to building coverage. Proposed building coverage is approximately 38.9%.

Maximum allowed lot coverage is 40%. Existing lot coverage is approximately 45.2% making the site non-conforming as to lot coverage. Proposed lot coverage is approximately 45.8%.

Thus, both building and lot coverage are already non-conforming and both will be slightly increased as a result of this project. This slight increase in non-conformity is allowed under Section 9.22 of the Zoning Bylaw with a Special Permit from the Zoning Board of Appeals.

Mr. Berarducci reminded the Board that some of the existing structures and paving on the site will be removed to make room for the new structures and site improvements. The increase in building and lot coverage will not be substantial.

Mr. Snow asked about fire separation between the rectory and the new addition. Mr. Cullion and Mr. Snow discussed fire separation issues. Mr. Cullion stated that the new areas, the sanctuary, the Parke House and the parish hall either are sprinklered or will be sprinklered, but that the rectory will not be sprinklered. The plans will be designed so that the rectory will be considered a separate structure.

The Board, Mr. Freitag and Mr. Cullion discussed the entry to Grace Hall and the fact that Grace Hall will be on the same level as the sanctuary. The change in elevation going up to the rectory will occur at the rectory. Mr. Cullion explained that the rectory will be used for administrative functions and not for public functions.

John Robinson, member of the Building Committee, stated that the spaces in the undercroft will be multi-function spaces. Mr. Snow stated that many of the issues related to use of the various spaces, fire separation and the building code could be worked out later during the Building Permit process.

Ted Rising MOVED to close the evidentiary portion of the public hearing. Jane Ashby SECONDED the motion. The Board VOTED unanimously to close the evidentiary portion of the public hearing.

Public Meeting – Discussion

The Board discussed the application. Mr. Simpson and Mr. Rising stated that the improvements were a good idea and that the application could be approved with conditions. Mr. Rising noted that he had some trivial objections relative to handicapped access.

Ms. Ashby expressed concern about the height of the roof of Grace Hall and reiterated that the roof line as designed eliminates the distinction among the three buildings. The Board discussed the issue of the roof line and became aware during their discussion that the color of the roof of the rectory is different from the color of the proposed roof of the link and the existing roof of the church. The rectory roof is a black rolled roof while the church roof is a blue-gray-green slate color. The new roof on Grace Hall will be synthetic slate that will match the church roof in color. The Board further discussed the issues related to the roof. They determined that they could ask for final plans as a condition of the application. This would give the architect more time to study the issues related to the roof height. Ms. Ashby noted that the Historical Commission usually likes to see traditional/current roof lines preserved in new construction occupying a highly visible site in downtown.

Mr. Snow stated that the fire wall that will be required to separate the rectory from Grace Hall may extend up through the roof as a parapet wall and that this will substantially change the look of the roofs in relation to each other.

Ms. Ashby stated that since the roof of the rectory will be different in color and material from the roof of Grace Hall she will be satisfied to leave the roof as designed.

Public Meeting – Findings:

Under Zoning Bylaw Section 10.38 the Board found that:

10.380 and 10.381 The proposal is suitably located in the neighborhood in which it is proposed and is compatible with existing uses because the church and associated buildings are located on the edge of the General Business district, adjacent to Town Hall, across from the Town Common and the Lord Jeffrey Inn and up the street from several older multi-family houses, and the new structures will replace existing older structures that are in disrepair.

10.382 and 10.385 The proposal will not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features and the proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features because the new structures will closely match the existing structures to which they will be attached, the exterior lights will be baffled and will not shine onto adjacent properties and the site will be managed in accordance with the approved management plan.

10.383 The proposal will not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians because there will be no traffic entering and exiting the site and the new walkways will be designed to be safe and easily navigable by both people who are able-bodied and those who are mobility-impaired.

10.384 Adequate and appropriate facilities will be provided for the proper operation of the proposed use because the principal existing buildings on the site have served the church for many years, the new structures and renovations will improve the uses and functions of the site and their ability to serve the parishioners, the existing substandard sanitary sewer line will be replaced and the existing storm drainage system will be improved and rebuilt.

- 10.386 – The proposal ensures that it is in conformance with the Parking and Sign regulations of the Bylaw because there is adequate public parking throughout the downtown area to serve the church functions since the hours of events at the church do not normally coincide with normal business hours and the number of people using the church is not expected to increase as a result of the renovations; increased parking requirements are not expected; there are no new signs proposed for the property at this time.
- 10.387 – The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements because there is no vehicular movement within the site, vehicular movement outside of the site will not change as a result of the proposed renovations and pedestrian movement will be improved.
- 10.389 – The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water because the property is connected to an existing sewer line in the street that is cleaned and maintained by the town, there will be a new sanitary sewer connection to the line in the street, the church has a contract with a private hauler for weekly pick-up of trash and recyclables, and there will be a new drain system installed to serve the garth area, which will connect to a drainage pipe that outfalls into the gutter along Spring Street, which will not exacerbate existing drainage problems in the street.
- 10.391 – The proposal protects unique or important natural, historic or scenic features because it will maintain the two historic buildings on the site (the church and the rectory) and the structures to be added will be architecturally compatible in style, materials and color with these two historic buildings.
- 10.392 – The proposal provides adequate landscaping because there is existing landscaping along the Spring Street side of the property, including large flowering trees and shrubs, and landscaping will be added to the front of the property along Boltwood Avenue, in the form of low shrubs and ground cover, to enhance the entryway; there will also be a row of narrow, upright deciduous trees added along the north side of the garth to define that edge of the garden area behind the church.
- 10.393 – The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, because the proposed lighting along walkways will be in the form of bollard lights which will light a very small area in the immediate vicinity of the walks and the proposed lighting in the garth area will either shine down or will be baffled to prevent light spilling onto adjacent properties.
- 10.394 – The proposal avoids impact on steep slopes, floodplains, scenic views, grade changes and wetlands because there are no scenic views, wetlands or floodplains on the site and the one steep slope or grade change that exists between the Town Hall parking lot and the garth will be cleaned up and improved and the existing trees growing there will be preserved.
- 10.395 – The proposal does not create disharmony with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationships thereto because the new architecture has been designed to be compatible in style, materials and colors with the existing architecture.
- 10.398 – The proposal is in harmony with the general purpose and intent of this Bylaw.

Public Meeting – Decision:

Ted Rising MOVED to approve the application with conditions. Jane Ashby SECONDED the motion. The Board VOTED unanimously to approve the application with conditions.

For all the reasons stated above the Board VOTED unanimously to GRANT a Special Permit, with conditions, under Section 9.22 of the Zoning Bylaw, as applied for by Grace Episcopal Church, to replace the existing link and cloister between the church building, the rectory, the parish hall and Parke House with a new addition and cloister, and new site improvements, which will increase building and lot coverage, on a non-conforming site at 14 Boltwood Avenue (Map 14A, Parcel 264, R-G Zone).

TOM SIMPSON

TED RISING

JANE ASHBY

FILED THIS _____ day of _____, 2006 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2006.

NOTICE OF DECISION mailed this _____ day of _____, 2006
to the attached list of addresses by _____, for the Board.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2006,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, under Section 9.22 of the Zoning Bylaw, as applied for by Grace Episcopal Church, to replace the existing link and cloister between the church building, the rectory, the parish hall and Parke House with a new addition and cloister, and new site improvements, which will increase building and lot coverage on a non-conforming site, at 14 Boltwood Avenue (Map 14A, Parcel 264, R-G Zone) with the following conditions:

1. Final plans showing proposed building additions and site improvements, including landscaping, lighting and paving, and elevations of the buildings, shall be submitted to the Board for approval at a public meeting.
2. The project shall be built according to the plans to be approved at a public meeting as noted in Condition # 1.
3. The exterior of the new link, known as Grace Hall, shall closely match the exterior of the church as to wall and roof texture and color.
4. Material samples for proposed roofing and siding shall be submitted to the Board for approval at a public meeting.
5. The property shall be managed in accordance with the Management Plan approved by the Board on April 6, 2006.
6. Exterior lighting shall be soft, baffled lighting that shall not intrude beyond the border of the property. Exterior lighting shall be time-regulated and shall be extinguished at midnight.

TOM SIMPSON, Chair
Amherst Zoning Board of Appeals

DATE